

## Application for License of the Sale of Nonprescription Drugs in South Dakota by Non-Pharmacists or Lay Persons

Nonprescription Drugs are defined as: Drugs which are labeled for use by the general public in accordance with Section 502 of the Federal Food, Drug and Cosmetic Act as amended through January 1, 1997, and may be sold without a prescription drug order in accordance with Section 503 of the Federal Food, Drug and Cosmetic Act as amended through January 1, 1997. The term Nonprescription Drugs applies only to those drugs approved for human use.

As of July 1, 1997 any retail place of business other than a licensed pharmacy shall obtain a license from the Board of Pharmacy to sell nonprescription drugs. Any person who has a retail place of business shall apply for a license on a form prescribed by the Board. The person shall be at least eighteen years of age and of good moral character to qualify for licensure. The license shall be issued upon application and payment of a fee of twenty dollars annually. Any person who keeps or sells nonprescription drugs without a license is guilty of a Class II misdemeanor. (*Source: SDCL 36-11-51*)

Some points of clarification within the Law:

- ? Licenses are renewed annually on June 30 and must be posted in a conspicuous place at the location.
- ? Retail places of business that only sell food supplements that are not defined as drugs by the Federal Food, Drug and Cosmetic Act are not required to obtain a license.
- ? Retail places of business are not allowed to sell prescription drugs (those that bear the legend: *Caution: Federal Law prohibits dispensing without a prescription*) or drugs intended for human use by hypodermic injection.
- ? Retail places of business that may have a pharmacy on the premises but sell nonprescription drugs in an area outside the area that is licensed as a pharmacy or at times when the pharmacy is closed, are required to obtain a Nonprescription Drug License.

Contact Person: \_\_\_\_\_

Business Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Street Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Being of good moral character over eighteen years of age and conducting a retail place of business in South Dakota as described above, I hereby apply for a nonprescription drug license for the required fee of **\$20.00**. I declare and affirm under the penalties of perjury that this application has been examined by me, and to the best of my knowledge and belief, is in all things true and correct.

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Signature

Date

Please return this form to: South Dakota Board of Pharmacy, 4305 South Louise Ave., Suite 104  
Sioux Falls, SD 57106. Phone: (605) 362-2737.